

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CHEYENNE SIMONS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

KENNETH BEATY,

Respondent-Appellant,

and

TOMI SIMONS,

Respondent.

UNPUBLISHED

March 29, 2007

No. 273024

Kalamazoo Circuit Court

Family Division

LC No. 04-000181-NA

Before: Zahra, P.J. and Bandstra and Owens, JJ.

MEMORANDUM.

Respondent Kenneth Beaty appeals as of right from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in finding that § 19b(3)(g) was established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). During the nearly two years that the child had been in alternate placement, respondent made little attempt to comply with the case service plan until shortly before a September 2005, termination hearing. After that hearing concluded in his favor, respondent was unable to complete the services in which he was already participating or to which he had been referred because he committed a new controlled substance offense and was jailed for nearly five months. Further, he failed to take full advantage of the services available to him at the jail. The trial court did not err in finding that termination was warranted under § 19b(3)(g). Because only one statutory ground for termination need be proved and there was clear and convincing evidence to support termination under § 19b(3)(g), it is unnecessary to address whether termination was also warranted under § 19b(3)(c)(i). *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000); *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999).

Further, the evidence did not clearly show that termination of respondent's parental rights was not in the child's best interests. MCL 712A.19b(5). Therefore, the trial court did not err in terminating respondent's parental rights to the child. *In re Trejo, supra*.

We affirm.

/s/ Brian K. Zahra
/s/ Richard A. Bandstra
/s/ Donald S. Owens